

AKIMA-DTSV U 4 MAR 2005

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FAX 808/356-0263**FACSIMILE COVER SHEET****To: FILING RECEIPT CORRECTIONS****OIPE****Commissioner for Patents****PO Box 1450****Alexandria, CA 22313-1450****Facsimile No. (703) 746-9195****Re: Application No. 10/783,675****U.S. Non-Provisional Patent Application for****ANALYTE MONITORING DEVICE AND METHODS OF USE****Inventor: James Say et al.****Filing Date: February 20, 2004****Our File No. TS-02-22****From: Kuni Oh, Esq.****JACKSON & CO., LLP****6114 La Salle Ave., # 507****Oakland, CA 94611-2802****United States of America****Tel (510) 652-6418****Fax (510) 652-5691****Pages: 9 (Including Cover Sheet)****Date: March 4, 2005**

If you did not receive all of the pages in this facsimile transmission, please contact Kuni Oh at (510) 652-6418 or by email at mail@jacolaw.com.

SHORT COVER MESSAGE (if any):

The documents accompanying this facsimile transmission contain information from the law firm of JACKSON & CO., LLP which is confidential and privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimile information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original document to us.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: 2814
James Say et al)	Examiner:
Appln. No. 10/783,675)	REQUEST FOR CORRECTION OF
Filed: February 20, 2004)	OFFICIAL FILING RECEIPT
)	<u>MAILED MAY 14, 2004</u>
For: ANALYTE MONITORING DEVICE)	Customer No. 30349
AND METHODS OF USE)	Jackson & Co., LLP
)	6114 La Salle Ave., # 507
)	Oakland, CA 94611-2802

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the FILING RECEIPT CORRECTIONS,
Commissioner for Patents,
PO Box 1450, Alexandria VA 22313-1450, Fax No (703) 746-9195
on March 04, 2005.

/s/ Steadg. Kun Oh

Filing Receipt Corrections - Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant herein submits this request to correct the Official Filing Receipt for the above-referenced application.

In particular, the Official Filing receipt notes that there is (1) inconsistency with respect to the continuation application data with the PTO records in regards to claim of domestic priority to application no 10/420,054, and further, (2) reflects incorrect filing date.

As such, Applicants herein note that the correct application number information to which priority is claimed, and further, which claims priority to now issued US Patent No. 6,595,509 is Application No. 10/420,057 filed on April 18, 2003.


Moreover, as shown by the enclosed US postal service record, the Express Mail for the application was accepted on February 20, 2004, rather than February 16, 2004 shown as filing date of the application on the filing receipt.

Best Available Copy

These changes are also noted in the marked up copy of the official filing receipt enclosed with this transmission. In view of the foregoing, Applicant respectfully requests the correction of the official filing receipt to reflect the accurate priority information for the present application, and the reissuance of a corrected filing receipt.

Respectfully submitted,
JACKSON & CO., LLP

March 04, 2005
(Date)
(TS-02-22)

By: 
Seong-Kun Oh
Registration No. 48,210
Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1459
 Alexandria, Virginia 22311-1459
 www.uspto.gov

APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/783,675	02/16/2004	2814	1130	TS-02-22	26	40	2

30349
 JACKSON & CO., LLP
 6114 LA SALLE AVENUE
 SUITE 507
 OAKLAND, CA 94611-2802

CONFIRMATION NO. 7215

FILING RECEIPT



000000001265641

Date Mailed: 05/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James Say, Alameda, CA;
 Michael F. Tomasco, Cupertino, CA;
 Adam Heller, Austin, TX;
 Yoram Gal, Kibbutz Yagur, ISRAEL;
 Behrad Aria, Alameda, CA;
 Ephraim Heller, Oakland, CA;
 Phillip John Plante, Sunnyvale, CA;
 Mark S. Vreeke, Alameda, CA;
 Keith A. Friedman, Austin, TX;
 Fredric C. Colman, Berkeley, CA;

Domestic Priority data as claimed by applicant

This application is a CON of 10/420,054 04/21/2003
 which is a CON of 09/667,199 09/21/2000 PAT 6,565,509
 which is a CON of 09/070,677 04/30/1998 PAT 6,175,752
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 05/13/2004

Projected Publication Date: 08/26/2004

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Non-Publication Request: No

Early Publication Request: No

Title

Analyte monitoring device and methods of use

Preliminary Class

257

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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- ARRIVAL AT PICK-UP-POINT, February 22, 2004, 7:18 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, February 22, 2004, 7:04 am, DULLES, VA 20102
- ENROUTE, February 21, 2004, 6:19 pm, DULLES, VA 20102
- ENROUTE, February 20, 2004, 7:14 pm, OAKLAND, CA 94615
- ACCEPTANCE, February 20, 2004, 4:24 pm, OAKLAND, CA 94611

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Please acknowledge receipt of the following papers by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): JAMES SAY et al

Application No.: Filed Herewith

Filing Date: February 20, 2004

Attorney: Seong-Kun Oh, Esq.

Attorney Docket No.: TS-02-22

Title of the Invention: ANALYTE MONITORING DEVICE AND METHODS OF USE

22141 U.S. PTO
10/783675



021604

Papers Filed:

- Patent Application Transmittal (x2)
- 98 pages of Specification including five (5) pages of claims and one (1) page of Abstract
- Combined Declaration for Patent Application and Power of Attorney (from prior parent application)
- Newly Executed Power of Attorney
- 26 sheets of Formal Drawings
- Certificate of Mailing (x2)
- Deposit Account Authorization (x2)
- Postage paid return postcard

EXPRESS MAIL NO. EO 902 787 783 US

Date Mailed: FEBRUARY 20, 2004

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JACKSON & CO., LLP
6114 LA SALLE AVE., #507, OAKLAND CA 94611-2802
510/852-8418

Address to:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney's Docket No. TS-02-22First Named Inventor SAY, JAMES

UTILITY PATENT APPLICATION TRANSMITTAL
(under 37 CFR 1.53(b))

SIR:

Transmitted herewith for filing is the patent application entitled:

ANALYTE MONITORING DEVICE AND METHODS OF USE

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this New Application and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date February 20, 2004, in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EO 902 787 783 US, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sepno-Kun Oh

(Name of the Person Mailing Paper)

(Signature)

Enclosed are:

1. ☒ Transmittal Form (two copies required)
2. The papers required for filing date under CFR § 1.53(b):
 - i. 98 Pages of specification (including five (5) pages of claims and one (1) page of abstract);
 - ii. 26 Sheets of drawings.
☒ formal ☐ informal
3. ☐ Microfiche Computer Program (Appendix, see 37 CFR 1.96)
4. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - i. ☐ Computer Readable Copy
 - ii. ☐ Paper Copy (identical to computer copy)
 - iii. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

5. ☐ An assignment of the invention to _____ is attached (including Form PTO-1595).
 - i. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
6. ☒ Combined Declaration for Patent Application and Power of Attorney (from prior application)
7. ☒ Power of Attorney (newly executed)
8. ☐ An Information Disclosure Statement (IDS) is enclosed, including a PTO-1449 and copies of _____ references.
9. ☒ Return Receipt Postcard (MPEP 503 -- should be specifically itemized)
10. ☐ Nonpublication Request under 35 USC 112(b)(2)(B)(i)
11. FOREIGN PRIORITY
☐ Priority of Application No. _____ filed on _____ in _____ is claimed under 35 USC § 119.

The certified copy of the priority application:

- ☐ is filed herewith; or
- ☐ has been filed in prior application no. _____ filed on _____, or
- ☐ will be provided.

- ☐ English Translation Document (if applicable)
12. DOMESTIC PRIORITY
☐ Priority of Provisional Application No. filed on __, is hereby claimed under 35 USC 119(e).
13. FEE CALCULATION
☐ Amendment changing number of claims or deleting multiple dependencies is enclosed.

CLAIMS AS FILED

	Number Filed	Number Extra	Rate	Basic Fee (\$770)
Total Claims	40 - 20	20	x \$18.00	\$360.00
Independent Claims	2 - 3	0	x \$86.00	\$0.00
<input type="checkbox"/> Multiple dependent claim(s), if any			\$290.00	\$0.00

*If less than zero, enter "0".

Filing Fee Calculation \$1,130.00

50% Filing Fee Reduction (if applicable) \$0.00

14. Small Entity Status
a. ☐ Applicant herein claims small entity status
b. ☐ Is no longer claimed.
15. Other Fees
☐ Recording Assignment [\$40.00] \$0.00
☐ Other fees \$0.00
☐ Specify \$0.00
- Total Fees Enclosed \$1,130.00
16. Payment of Fees
Check(s) in the amount of \$__ enclosed.
☒ Charge Account No. 50-2019 in the amount of \$1,130.00.
A duplicate of this transmittal is attached.
17. All correspondence regarding this application should be forwarded to the undersigned attorney:

Kuni Oh, Esq.
JACKSON & CO., L.L.P.
6114 La Salle Ave., #507
Oakland, CA 94611-2802
Telephone: 510/652-6418

Customer No. 30349

18. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR § 1.15 or § 1.17 to Account No. 50-2019. A duplicate of this transmittal is attached.

JACKSON & CO., L.L.P.

February 20, 2004

By: 
Seong-Kun Oh, Esq.
Registration No. 48,210

Attorney Docket No. TS-02-22

Attorney(s) or Agent(s) of Record